

JULY 2013

Legislative Requirement

The following identifies the relevant legislation, targets and how we process planning applications.

The current legislation, in relation to the registration and validation of planning applications, is contained within The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012 (as amended). For the avoidance of doubt whilst current amendments are detailed below this is for information purposes only at the time of publication and any subsequent amendments to the Order form part of any validation requirement.

- The Town and Country Planning Act 1990 (TPCA) (as amended by the Planning and Compulsory Purchase Act 2004)
- The Town and Country Planning (Development Management Procedure) (England) Order 2012
- The Town and County Planning (Development Management Procedure) (DMPO) Order 2010 SI **2010 2184**.
 - The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2013 SI **2013 No. 1238**
 - The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2012 SI **2012 No. 636**
 - The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 SI **2012 No. 2274**
 - The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012 SI **2012 No. 3109**

Processing Planning Applications

When your application is received by the Council it will be date stamped with that date received. If your application is sent electronically via the Planning Portal then the received date is the date that it is sent through by the Planning Portal.

The application will be validated as soon as reasonably practicable and in the majority of cases minor and small scale applications will be validated within 3 working days from the date of receipt. Major applications may take longer.

Your application will be considered against the criteria outlined within this document. If all the information is provided as outlined in the 'National Requirements' section of this checklist, then the application is assessed against the 'Local Requirements' required by Newark and Sherwood District Council. If there is essential information missing, from the application, then the application may be deemed to be invalid.

If your application is missing relevant validation information you will be advised in writing of what you will be required to provide in order to make the application valid. You will have 14 days to provide that information. If the correct information is received within this timescale, then the application will be validated and processed accordingly. Where an application is deemed to be valid, the date it will be recorded as valid will be the same as the date upon which the final document (or fee) required by this checklist is received.

The Council will endeavour to identify all the information that is required prior to the validation of the application. However, it may become apparent through the consideration of the application that additional

JULY 2013

information is required to enable the officers to properly assess and determine the application. The Case Officer will contact you should this be the case, and will discuss any implications on the timescale of any decision.

Any applicant is strongly encouraged, especially on major or non-house holder applications, to seek pre-application advice. As part of our pre-application advice service **we set out the validation requirements for any subsequent planning application**. Full details of this service can be found on our website:

<http://www.newark-sherwooddc.gov.uk/planning/pre-applicationadvice/>

Planning Application Fees

The majority of planning applications require a fee. This fee needs to accompany any application submission. Where no fee or an insufficient fee is received the application will not be validated until the correct fee has been paid in full. The fee amount is set nationally and further information can be found on the Planning Portal's website:

<http://www.planningportal.gov.uk/england/professionals/tools/>.

Applications for Listed Building Consent, Tree Preservation Orders or alterations to a dwelling where permitted development rights have been removed and the development proposals would in that case be permitted development, do not require a fee.

Right of Appeal if application invalid

If there is disagreement about the information requirements, as set out in this document, and the application is not validated because of the missing information then you can challenge the Council's decision not to validate by submitting in writing the following:

- specify which local requirement(s) you consider is/are not required in support of the application;
- set out the reasons for this view;
- request the LPA to waive the particular requirement(s)

If the Council accepts the argument that the information is not required we will respond with a Validation Notice and the application will be validated and considered as a planning application. Please note that we may refuse the application on the basis of insufficient information in such cases.

If the Council remains of the view that the application is invalid we will respond with a Non- Validation Notice. In such circumstances an applicant can appeal to the Planning Inspectorate against non-determination.